

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(7300 Stratton Way)		
12 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Carla Jean Moore	*	HEARINGS FOR
Petitioner	*	BALTIMORE COUNTY
	*	CASE NO. 2021-0203-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Carla Jean Moore (“Petitioner”). The Petitioner is requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) §§ 400.1 and 400.1.d (1)A to permit an accessory structure (above ground pool) in the side of a corner lot with a side setback of 6 ft. in lieu of the required rear yard third of the lot farthest removed from any street. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner’s Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted from any of the County reviewing agencies. However, it is to be noted that a letter of support was received from Lynne M. Mitchell, President, Eastwood Residents & Business Community Association of Baltimore County, dated June 30, 2021, indicating its full support of Petitioner’s zoning request.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 25, 2021, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 17th day of **August, 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from BCZR §§ 400.1 and 400.1.d (1)A to permit an accessory structure (above ground pool) in the side of a corner lot with a side setback of 6 ft. in lieu of the required rear yard third of the lot farthest removed from any street, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

PMM:dlw

Signed _____
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County